

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 2619 – SB 2669

March 21, 2012

SUMMARY OF AMENDMENT (013971): Deletes all language after the enacting clause. Specifies that the General Assembly, in exercising its rights under the Tenth Amendment to the United States Constitution may, by resolution, determine and declare a federal statute or regulation to be unconstitutional on its face or in its particular application. Requires a resolution declaring a federal statute or regulation unconstitutional to receive a two-thirds affirmative vote of both the Senate and the House of Representatives to be effective. Upon receiving a two-thirds vote, the Chief Clerk of the house in which the resolution originated is required to transmit a copy of the resolution, electronically, if possible, to each state and local law enforcement agency in Tennessee. Upon receipt of such resolution, no law enforcement agency shall assist a federal law enforcement agent or agency in the enforcement of any federal statute or regulation about which a resolution has been adopted by the General Assembly. Such resolution shall remain in effect until altered or repealed by the same or subsequent General Assembly.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures - \$27,400/Incarceration*

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

NOT SIGNIFICANT

Assumptions applied to amendment:

- Any increase in cost for the appropriate Chief Clerk to electronically transmit a copy of an adopted resolution to each law enforcement agency in the state will be not significant and can be accommodated within existing resources without an increased appropriation or reduced reversion.
- Any committee meetings will be conducted on days the General Assembly is already meeting and will result in no additional fiscal impact to the state.
- If the General Assembly passes a resolution declaring a federal statute or regulation unconstitutional, such action may jeopardize federal funding received by the state that is

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related to state law enforcement efforts. The amount of such funding is unknown but depends upon the specific federal statute or regulation determined to be unconstitutional.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise". The signature is fluid and cursive, with the first name "Lucian" written in a larger, more prominent script than the last name "Geise".

Lucian D. Geise, Executive Director

/lsc